

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:08cr128

UNITED STATES OF AMERICA,

v.

TERRANCE DEANDREW BACKUS.

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ORDER

THIS MATTER is before the Court after receiving in chambers a letter from the Defendant, a copy of which is attached to this Order.

In order for the Court to act upon a matter, the parties must file motions and other court documents with the Clerk. The Court cannot act upon letters that are mailed to chambers, whether *ex parte* or with notice.

Since the Defendant has chosen to attempt to correspond with the Court by mailing a letter to chambers, and such letter does not reflect notice thereof to the Government or to the Defendant's counsel, the Clerk will be directed to return the letter to the Defendant. The Defendant is not to have direct contact with the Judge's Chambers.

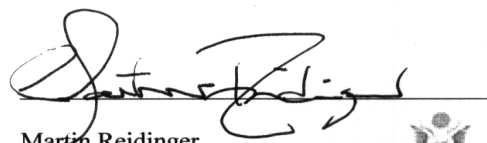
IT IS, THEREFORE, ORDERED that any further action that the Defendant seeks to take before this Court shall be by written motion, petition or other filing submitted to the Clerk of this Court, to be filed in the ordinary course. The Defendant is further admonished that, “[e]xcept for challenges to the effective assistance of counsel, the Court will not ordinarily entertain a motion filed by a criminal defendant who is still represented by counsel and has not formally waived his or her right to counsel in the presence of a judicial officer after being fully advised of the consequences of waiver.” LCrR 47.1(H).

IT IS FURTHER ORDERED that the Defendant shall not attempt to correspond with the Court through Judge’s Chambers.

IT IS FURTHER ORDERED that the Clerk shall return to the Defendant the original of his letter, a copy of which is attached hereto, and send it along with a copy of this Order.

IT IS SO ORDERED.

Signed: September 4, 2009



Martin Reidinger
United States District Judge

